



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR - 3 2015

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail# 7004 2820 0002 1759 1407

**In Reply Refer to:**

EPA File No 04R-15-R4

Commissioner Kim T. Thomas  
Alabama Department of Corrections  
301 South Ripley Street  
P.O. Box 301501  
Montgomery, Alabama 36130-1501

**Re: Rejection and Referral of Administrative Complaint**

Dear Mr. Thomas:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is rejecting a complaint from an inmate (Complainant) incarcerated in the Alabama Department of Corrections. In correspondence received on February 9, 2015, which EPA/OCR construed as a complaint, Complainant alleged various violations of environmental laws by the Alabama Department of Corrections. EPA is rejecting and referring this complaint to the Department of Justice's (DOJ) Civil Rights Division for the reasons detailed below.

Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of complaints to determine whether to accept, reject, or refer them. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's Part 7 regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. Finally, the complaint must be filed against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act.

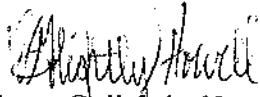
After careful review, OCR is rejecting the referenced complaint because it does not meet all of the jurisdictional requirements of EPA's nondiscrimination regulations. First, the Alabama Department of Corrections is not an applicant for, nor recipient of, EPA financial assistance. Second, allegations must describe a discriminatory act that, if true, may violate EPA's nondiscrimination regulations. Complainant does not claim discrimination based on race, color, national origin, sex, age, or disability status.

Therefore, for these reasons, the complaint does not fall within the EPA/OCR's jurisdiction, and OCR must reject it for investigation.

Additionally, because the DOJ may have subject-matter jurisdiction over the complaint allegations, the EPA/OCR is referring it to the DOJ for appropriate action. A copy of the letter to the DOJ is enclosed. The DOJ contact person is Michael Alston, and his contact information is U.S. Department of Justice, 810 Seventh Street, N.W., Washington D.C., 20531, (202) 354-4380, [askOCR@ojp.usdoj.gov](mailto:askOCR@ojp.usdoj.gov).

If you have any questions about EPA's decision to refer the matter to the DOJ, please contact Helena Wooden-Aguilar, Assistant Director, External Compliance Program at (202) 564-0792, [Wooden-Aguilar.Helena@epa.gov](mailto:Wooden-Aguilar.Helena@epa.gov), or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,



Velveta Golightly-Howell  
Director, EPA OCR

Enclosures (1)

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Ken LaPierre  
Deputy Civil Rights Official  
U.S. EPA Region IV  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
(MC 9T25)